

MINUTES

MONTANA SENATE 59th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By **CHAIRMAN MIKE WHEAT**, on January 19, 2005 at 9:00 A.M., in Room 303 Capitol.

ROLL CALL

Members Present:

Sen. Mike Wheat, Chairman (D)
Sen. Brent R. Cromley (D)
Sen. Aubyn Curtiss (R)
Sen. Jon Ellingson (D)
Sen. Jesse Laslovich (D)
Sen. Dan McGee (R)
Sen. Lynda Moss (D)
Sen. Jerry O'Neil (R)
Sen. Gerald Pease (D)
Sen. Gary L. Perry (R)
Sen. Jim Shockley (R)

Members Excused: Sen. Jeff Mangan (D)

Members Absent: None.

Staff Present: Valencia Lane, Legislative Branch
Mari Prewett, Committee Secretary

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted: SB 104, 1/10/2005; SB 43, 1/13/2005
Executive Action: None.

HEARING ON SB 104**Opening Statement by Sponsor:**

SEN. KIM GILLAN, SD 24, BILLINGS, opened the hearing on **SB 104**, Graduated driving privileges. **SEN. GILLAN** explained that SB 104 would establish a graduated drivers' licensing program. She went on to say that this graduated drivers' license (GDL) program was targeted at new novice drivers under the age of 18. **SEN. GILLAN** stated that under this concept certain restrictions would be placed on new drivers to help them develop and improve their driving skills, thereby reducing the number of teens involved in all types of vehicle accidents. She continued saying that the GDL program would also protect other Montana drivers by not allowing high risk novice drivers unrestricted driving privileges. **SEN. GILLAN** advised the Committee that Montana was one of only two states that does not have a graduated driving program. She then provided the Committee with a handout outlining the sections of the bill and discussed it in its entirety. This handout is attached as Exhibit 1. **SEN. GILLAN** then provided an additional handout, attached as Exhibit 2, regarding pertinent questions with corresponding answers related to the need for the GDL program. **SEN. GILLAN** concluded her opening by encouraging the Committee to approach SB 104 with an open mind and help reduce the number of traffic fatalities.

EXHIBIT(jus14a01)

EXHIBIT(jus14a02)

Proponents' Testimony:

Mike McGrath, Attorney General, State of Montana, expressed his offices support for SB 104, stating that it was time to pass such a bill. He proceeded to discuss a couple of fatal traffic accidents which had occurred that may have been prevented if a graduated drivers' license program had been in place. He further indicated that traffic accidents were the leading cause of death for individuals between the ages of 15 and 20. **Attorney General McGrath** stated that Montana was the only state that had more traffic-accident-related deaths now than in 1990. He went on to say that the GDL program would reduce traffic injuries and deaths for teenagers. He then gave some statistics from other states with graduated licenses. He went on to say that Montana was one of only two states without such a program and that it was time to pass such a bill. **Attorney General McGrath** distributed a fact sheet from the Department of Justice which is attached as Exhibit 3.

EXHIBIT(jus14a03)

Kathy Bramer, Office of Public Instruction, stated they were in full support of SB 104. She then introduced **David Huff, Traffic Education Specialist**, who provided further testimony for the Office of Public Instruction.

David Huff, Traffic Education Director, Office of Public Instruction, stated that the concepts of the bill were generally known as the graduated drivers' license program. He further remarked on the fact that Montana and Wyoming were the only states that did not have such a program. **Mr. Huff** talked about the complexity of driving and the need for familiarity of driving to master the skills required to be a good, safe driver. He indicated that young drivers were the most likely to be involved in traffic accidents because of their lack of sufficient experience, they are easily distracted, and they needlessly expose themselves to the higher risks of night driving before they have enough experience driving during the day. **Mr. Huff** explained that the provisions of the bill provided research and validated methods for gaining experience and eliminating risk factors. **Mr. Huff** indicated that SB 104 would embrace the graduated driving elements recommended by this country's top crash-investigation team, the National Transportation Board.

Wes Choc, President, AAA Montana, stated that they had been a proponent for graduated driver licensing in every other state in the country. He went on to discuss statistics that had been gathered by his organization showing that GDL works. He indicated that with GDL there had been a 15 percent drop in accidents during the first 12 months after implementation of the program. He went on to say that SB 104 deserved to become a law. He explained that, although it was never easy to change behaviors, driving was not a right of passage, it was a privilege that needed to be earned. He concluded by indicating full support for SB 104.

Jo Ann Dotson, Bureau Chief, Family and Community Health Bureau, Department of Public Health and Human Services, spoke in support of SB 104. **Ms. Dotson's** written testimony is attached as Exhibit 4.

EXHIBIT(jus14a04)

Paul Grimstad, Colonel, Montana Highway Patrol, stated that he was there in support of SB 104. He went on to say it was a great idea regarding traffic safety issues for our youth. He stated that we needed to educate our youth along with driver education classes that are already provided. **Colonel Grimstad** commented that the training provided by the GDL was an invaluable tool in developing the skills that youth need to become safe and

competent drivers. He went on to say that this bill would help to prevent traffic injuries and fatalities. He urged the Committee to pass SB 104.

{Tape: 1; Side: A; Approx. Time Counter: 0 - 27.3}

Amee Grmoljez representing the Association of Montana Highway Patrol, stated that the Association supported GDL as it would make their mission of making highways safer to drive on easier to accomplish.

Steve Yeakel representing the Montana Counsel for Maternal and Child Health, Montana Traffic Educators Association and the Montana Chapter of the American Academy of Pediatrics, expressed strong support of SB 104 on behalf of all three associations. He then informed the Committee that Wyoming had just pass a similar bill out of Committee and it was time for Montana to do the same.

Roger McGlenn, Executive Director, Independent Insurance Agents Association of Montana, stated that they stood in strong support of SB 104. He went on to say that they strongly supported graduated drivers licenses to help youth gain the experience needed to be safe drivers. He continued explaining that they expected to see fewer fatalities, bodily injuries and property damage as a result of passage of such a bill. He stated that they also expected to see insurance claims drop and automobile rates remain stable as a result of fewer accidents with gained experience.

Pat Melby, Montana Medical Association, urged support for SB 104. He stated that it was time for a graduated drivers license program in the State of Montana.

Jim Ahrens, President, Montana Hospital Association, urged the Committee to support the SB 104.

Kristi Blazer representing the Montana Beer and Wine Wholesalers' Association, stated that the Association stood in strong support of all bills which promote safety on the highways and urged a do pass vote on SB 104.

Bill Muhs, Public Policy Liaison for Mothers Against Drunk Driving in Gallatin County, spoke in support of SB 104. **Mr. Muhs** written testimony is attached as Exhibit 5.

EXHIBIT (jus14a05)

Larry Kibbee representing the Property Casualty Insurance Association of America, stated that this Association along with

its member companies, have traditionally supported graduated drivers license bills across all of the jurisdictions that have proposed such legislation because it makes sense from the insurance standpoint. He concluded by asking for a do pass on SB 104.

Jim Lynch, Director, Montana Department of Transportation, expressed strong support for SB 104. He went on to say that safety was very important to Montana. He then explained the graduated drivers' license program he and his wife had developed for their son. **Mr. Lynch** stated that this was a good and responsible bill which needed to be passed.

Mark Taylor on behalf of Anheuser Busch Company, stated that they were proud of their commitment to public safety issues and had been supporting GDL for the last four sessions. He went on to say that they stood in support of a do pass as the statistics support such a measure.

Elaine Taylor, Miller Brewing Company, expressed support for SB 104 in the hope that it would produce more responsible drivers on the road.

Greg Van Horssen, State Farm Insurance Company, asked the Committee to support SB 104 to make the highways and Montana's children safer. He went on to say that he was also expressing the support of **Jon Metropolis, Farmers Insurance and Jacqueline Lenmark of the American Insurance Association.**

Spook Stang, Executive Vice President of the Montana Motor Carriers Association, stated that the Association and its 800 members stood in support of SB 104. He then discussed a program that they had implemented in the high school driver education classes in Montana.

Frank Cote, Farmers Union Mutual Insurance Company, stated that they too supported SB 104.

Jani McCall representing Deaconess Billings Clinic, stated their strong support for SB 104.

Chris Minard representing herself, stated that she felt SB 104 was a life saving bill, not a feel good bill, which supports responsible parenting. She urged the Committee to pass SB 104.

Opponents' Testimony:

Becky Stockton representing herself, expressed her opposition to SB 104, indicating that it did not address the issues related to

home schooling of children and those children which attend private schools. She discussed the problems and expenses related to home schooled and private school children in obtaining drivers education classes. She went on to express her concerns related to Section 6 and asked who would be paying the investigation costs. She further asked who the contact would be for those young drivers that would have the need to be driving outside of the recommended hours and if the parents would be the ones fined for violations to the law.

Informational Testimony: None.

Questions from Committee Members and Responses:

SEN. CROMLEY asked **SEN. GILLAN** if there was any difference in the charge for drivers education classes for public school youths and home schooled or private school youths. **SEN. GILLAN** explained the procedure in her school district. She went on to say that the cost for drivers education did vary around the State. She further stated that 80 percent of the youth of Montana did attend drivers education classes.

{Tape: 1; Side: B; Approx. Time Counter: 0 - 25.1}

{Tape: 2; Side: A; Approx. Time Counter: 0 - 1.1}

SEN. LASLOVICH asked **SEN. GILLAN** how they were going to enforce the bill. **SEN. GILLAN** stated that it would be better answered by someone from the Department of Justice.

SEN. LASLOVICH asked **Colonel Grimstad** if they would need probable cause to stop a vehicle. **Colonel Grimstad** stated that he could only talk for the Highway Patrol. He went on to say that they would put the law into effect after they had stopped a vehicle for some other traffic violation. They would not be out harassing teenagers.

SEN. LASLOVICH inquired of **Colonel Grimstad** if the same standards would apply to local law enforcement officers. **Colonel Grimstad** responded that he hoped it would, however, he could not speak for the city or county.

SEN. LASLOVICH asked **SEN. GILLAN** about the need for the person in the front seat to be over the age of 21. **SEN. GILLAN** replied that it would make the law uniform with other states and it was a better place for someone to be while supervising and advising the inexperienced driver. She further stated that it was common sense to provide guidelines.

SEN. LASLOVICH asked **SEN. GILLAN** how they were going to insure that the individuals had in fact been supervised for 50 hours.

SEN. GILLAN stated that the same language had been used in the majority of all of the other states with such laws. She further indicated that the 50 hour limit had come about from research studies. She went on to say that SB 104 would put some responsibility on the parents to make sure that their teenagers had completed 50 hours of supervised driving and complied with the law.

SEN. LASLOVICH asked **SEN. GILLAN** if she would consider it a friendly amendment that would state that the restricted license could be extended for a maximum of one year. **SEN. GILLAN** replied that she thought it might be a friendly amendment, however, she would have to discuss it with some of the others who had been working on the bill.

SEN. LASLOVICH referred **SEN. GILLAN** to Page 3, Line 27, and asked if she would consider it a friendly amendment if it was said that the probationary license would not be available for a subsequent or second offense only, rather than just saying that for the first 90 days if a mistake were made they could not obtain a probationary license. **SEN. GILLAN** stated that it seemed acceptable but she would like the opportunity to sit down and craft the language that would be consistent with everything else.

SEN. GILLAN provided the Committee with a chart that she had forgotten to pass out which is attached hereto as Exhibit 6.

EXHIBIT(jus14a06)

SEN. CURTISS asked **Mr. Huff** if he would like to respond to a previous question. **Mr. Huff** responded to the question regarding the rates for drivers education. He stated that the Office of Public Instruction was sensitive to the needs of those students that do not attend public education. He further stated that they work with the home schooled folks with the intent to insure that all teens, no matter how schooled, have equitable and equal access to drivers education.

SEN. PERRY asked **SEN. GILLAN** whether a Learner's Permit could be issued at 14 1/2 years of age or 15 years of age. **SEN. GILLAN** stated that a Learner's Permit could be obtained at 14 1/2 years of age if they were taking driver's training.

SEN. PERRY asked **SEN. GILLAN** if teenagers would be issued a restrictive license at the age of 15. **SEN. GILLAN** replied that they would.

SEN. PERRY asked **SEN. GILLAN** if she had any examples from other states with the same type of law. **SEN. GILLAN** responded that Montana has a lower age limit for obtaining a driving permit than other states. She went on to say that there were statistics available and she would obtain that information and provide it to the Committee prior to Executive Action.

SEN. PERRY asked **SEN. GILLAN** if she would consider raising the age for obtaining a driving permit to 15 1/2 to 16. **SEN. GILLAN** stated that there would be enormous opposition to the bill if they were to try to raise the age limit.

SEN. PERRY asked **SEN. GILLAN** if during the first year of the driver's license, any additional passengers would have to be family members. **SEN. GILLAN** replied that during the first six months they would be restricted to one other passenger, but they would be able to have additional members of their family. She went on to say that in the second six months that person would be able to have three other passengers.

SEN. PERRY further asked **SEN. GILLAN** if the family rule applied to the first year. **SEN. GILLAN** responded that the family members would apply.

SEN. PERRY asked **SEN. GILLAN** if she thought that this law would put a crimp on dating. **SEN. GILLAN** answered that safety was the main issue. She went on to say that she did not believe it was a major impediment.

SEN. PERRY inquired of **SEN. GILLAN** about the language of the bill where only one person other than the driver could be in the front seat of the vehicle and how that would work if the vehicle were a pickup. **SEN. GILLAN** stated that she would be happy to look at that situation.

SEN. PERRY asked **SEN. GILLAN** if he was correct that there would be a learning permit, then a restricted driving license, and at the end of the one-year restriction there would not be an additional driving test. **SEN. GILLAN** responded that he was correct, the young adult would not have to return to the DMV. She went on to say that the young adults drivers license would be marked on the back with the appropriate dates.

SEN. PERRY then asked **SEN. GILLAN** at what point would a motorcycle endorsement become required for young adults. **SEN. GILLAN** referred the question to **Brenda Nordlund**. **Ms. Nordlund, Attorney, Department of Justice**, referred to Page 4 of the bill, Lines 27 - 30 and stated that the standard would be that the supervising driver of a motorcycle permit holder would be a

licensed driver if the youth had passed the Motorcycle Safety Foundation Safety Course and if the youth had not participated in the course, the supervising driver would be required to have a motorcycle endorsement.

{Tape: 2; Side: A; Approx. Time Counter: 1.1 - 28.3}

SEN. MCGEE asked **Colonel Grimstad** if by seeing two very young looking people in a vehicle if that would create probable cause to pull over that vehicle. **Colonel Grimstad** stated that he would hope not, that unless they were violating the law the vehicle could not be stopped. He went on to say that they would have to be violating a traffic law and then through investigation they could determine if this law would apply. He further stated that it was something that may have to be determined by the Courts as to whether or not it would be probable cause to stop a vehicle only for the reason of checking on the ages of the occupants.

SEN. MCGEE asked **SEN. GILLAN** what the arguments against the bill had been in previous sessions. **SEN. GILLAN** replied that there had been resistance from the home school people, the bill had been awkwardly written, confusion over the motorcycle endorsement, and there had been talk about social pressure.

SEN. MCGEE asked **SEN. GILLAN** if the age for the supervisor should possibly be lowered. **SEN. GILLAN** answered that she was comfortable with the age for supervision being 21.

SEN. MCGEE further asked **SEN. GILLAN** to take a look at lowering the supervisor age. He then asked if she would consider having OPI or the Department of Justice to put together a program where young drivers demonstrate their ability to handle a vehicle in a competent safe manner. **SEN. GILLAN** stated that it was a notion that should be thought about, however, it would not fit into the present bill. She went on to say that she did share his concerns.

SEN. MCGEE asked **SEN. GILLAN** how her bill would address a situation such as having a set of twins. **SEN. GILLAN** responded that in the first six months the driver could have one other passenger in the car with them. She further stated that there was also an exemption for immediate family members.

SEN. O'NEIL asked if one of the students attending the hearing would like to speak on the bill in regard to how it would apply to them and their fellow students. **Adam Cook, Anaconda, age 17,** stated that he felt that a person should be able to drive with whomever they want once they obtain a drivers license.

SEN. CURTISS asked **Roger McGlenn** if the graduated drivers license program had affected a noticeable decline in insurance rates in those states that had implemented the law. **Mr. McGlenn** replied that he did not have any statistics from other states. He went on to say that they had seen that when the experience improves and the costs of injuries, property damage and accidents go down, that there is a corresponding reaction in insurance rates.

SEN. PERRY asked **SEN. GILLAN** what the designation of the offense would be. **SEN. GILLAN** answered that it would be a primary offense.

SEN. PERRY further asked **SEN. GILLAN** if that was automatic if the bill were passed. **SEN. GILLAN** indicated that it was.

SEN. PERRY asked **SEN. GILLAN** if the 11:00 p.m. restriction was a curfew and were there any exceptions other than those listed.

SEN. GILLAN replied that the only exceptions were those listed in the bill.

SEN. PERRY asked **SEN. GILLAN** if there was anything she could do to see that those individuals that moved from another state would have to follow the same laws as Montana residents. **SEN. GILLAN** stated that Montana was only one of the two states that does not already have a graduated drivers license program in effect. She went on to say that she believed that in other states teenagers were not able to obtain drivers licenses until they reached 17, therefore, they would have come from a more restrictive situation than Montana would have.

SEN. MCGEE asked **SEN. GILLAN** if she would consider amending the bill to qualify the limitations to handle things such as paper routes or someone that has been babysitting for someone. **SEN. GILLAN** replied that they would not have to because Page 2, Line 24, already indicated that if they were out after 11:00 p.m because of employment, they would already be covered under the exemption. She went on to say she was willing to discuss it further to make sure everyone was of the same understanding.

Closing by Sponsor:

SEN. GILLAN thanked everyone for a good hearing. She went on to say that since it was a new idea for Montana she wanted to make sure that when people voted they would know they were voting for a good, reasonable program and not shy away because of misinformation. **SEN. GILLAN** further stated that she felt it was past time for Montana to tackle this problem. She continued saying that they needed to remember that driving was a privilege

not a guaranteed right. **SEN. GILLAN** stated that there was a need for common sense restrictions to keep everyone on the road safe. **SEN. GILLAN** provided two additional pieces of information for the Committees review which are attached as Exhibit 7 and Exhibit 8.

[EXHIBIT\(jus14a07\)](#)

[EXHIBIT\(jus14a08\)](#)

{Tape: 2; Side: B; Approx. Time Counter: 0 - 28.2}

Five minute recess.

HEARING ON SB 43

Opening Statement by Sponsor:

SEN. MIKE COONEY, SD 40, HELENA, opened the hearing on **SB 43**, Seatbelt violation as primary offense. **SEN. COONEY** explained his reasons for bring SB 43 forward. He went on to say that through his research he had learned that conservatively speaking, between 15 and 30 lives would have been saved had people been wearing their seatbelts. He then stated that the reason most people were killed in accidents was because they were ejected from the vehicles because they had not been wearing their seatbelts. **SEN. COONEY** indicated that the cost of a fatality in Montana was \$1,090,000. He further indicated that injury related crashes fell into the range of \$39,900 and crashes with no injuries cost about \$6,200. He then explained that the costs included wages, productivity loss, medical expenses, motor vehicle damage, and employer costs. **SEN. COONEY** stated that these were the reasons he had brought the bill forward again at the request of the Department of Justice.

Proponents' Testimony:

Mike McGrath, Attorney General, State of Montana, stated that he felt Montana needed to be serious about addressing highway traffic safety. He then discussed the ratings Montana had received by various organizations, particularly the "F" received from Mothers Against Drunk Driving. **Attorney General McGrath** went on to say, "the fact of the matter was that seat belts save lives." He then discussed the written testimony which he had presented to the Committee. This testimony is attached as Exhibit 9.

[EXHIBIT\(jus14a09\)](#)

Captain David Dill, District 4 Commander, Montana Highway Patrol, Billings, informed the Committee that District 4 had the highest fatality rate for Montana in 2004. He went on to discuss statistics obtained from NITSA which indicated that had the primary seat belt law passed in 2003, 49 lives could possibly have been saved. **Captain Dill** then discussed the economic costs experienced as a result of not having a primary seat belt law. He then stated that SB 43 was not a tool to intrude on the private lives of citizens; it is to provide safety, not establish probable cause to search for incriminating evidence. He further stated that their goal was to gain voluntary compliance, not after stopping mass numbers of cars and issuing citations.

Mona Jamison, Attorney, representing General Motors, stated that they stood in strong support of SB 43. She went on to say that from all of the safety work that General Motors had done, the use of seat belts was the single most effective device for occupants safety in a vehicle. She then talked about her involvement in passage of the secondary offense seat belt law previously placed into law. **Ms. Jamison** indicated that they felt going for primary enforcement of the seat belt law was good, sound public policy. she then related a personal experience. **Ms. Jamison** concluded urging the Committee to pass SB 43.

Bill Muhs, Public Policy Liaison, Mothers Against Drunk Driving, spoke in support of SB 43. **Mr. Muhs** written testimony is attached as Exhibit 10.

EXHIBIT(jus14a10)

{Tape: 3; Side: A; Approx. Time Counter: 0 - 28.2}

Kathy Bramer representing the Superintendent of Public Instruction, Linda McCulloch, stated that they stood in support of SB 43. She went on to say that their agency saw this bill as a child safety and child education issue.

Denice Harris, a Representative of AAA Montana, stated that they had been supporters of seatbelts, air bags and other safety devices which reduce injuries and deaths at a crash. She went on to say that by making non use of seatbelts a primary offense, it would increase the use of seatbelts by 15 percent. She further stated that it would also decrease fatalities by 8 percent. **Ms. Harris** urged the Committee to pass SB 43 and thereby give law enforcement a tool to prevent motor vehicle accident deaths.

Spook Stang, Executive Vice President of the Montana Motor Carriers Association, expressed strong support for SB 43. **Mr. Stang's** written testimony is attached as Exhibit 11.

EXHIBIT(jus14a11)

Steve Yeakel on behalf of the Montana Counsel for Maternal and Child Health and the Montana Traffic Education Association, stated that these organizations stood in strong support of SB 43. He went on to say that one fact that may not have been mentioned was that the near-absolute correlation between parents not wearing their seat belts and children following in their parents footsteps. He concluded that children imitating their parents was reason enough for them to support the bill.

Pat Melby representing the Montana Medical Association, stated that, "seat belts save lives." He went on to say that it was time to make a seatbelt law mean something in the State of Montana. He further discussed the economic costs related to non-use of seatbelts and expressed concern that it was the economic cost rather than the human costs which would prompt support for the bill. He concluded by recommending a do pass recommendation from the Committee.

Greg Van Horssen representing State Farm Insurance Company, informed the Committee that his Association very strongly supported SB 43. He went on to say that SB 43 was directly related to the costs that the State and residents incurred on an annual basis associated with automobile accidents. He further indicated that not only would SB 43 save money, it would also save lives. **Mr. Van Horssen** stated that he was also expressing **Jon Metropolis and Farmer's Insurance Company's** support for SB 43.

Marilyn Olsen, Executive Vice President, Montana Automobile Dealers Association, stated that they, as well as the National Automobile Dealers Association, supported a primary seatbelt law. She went on to say that seatbelt use was key to maximizing the lifesaving benefits of air bags and reducing the staggering number of fatalities each year. She concluded by urging the Committee to pass SB 43.

Larry Kibbee representing the Property Casualty Insurance Association of America, stated that they supported SB 43 for all of the same reasons as everyone else. **Mr. Kibbee** talked about the Institute of Highway Safety and the research they conducted regarding vehicle crashes and the use of seatbelts and their effect on saving lives.

Frank Cote representing Farmers Union Mutual Insurance Company of Great Falls, relayed the story of a personal tragedy, which could have been prevented by the use of seatbelts, and asked the Committee to support SB 43.

Jacqueline Lenmark representing the American Insurance Association, the American Counsel of Life Insurers and Montana Health Systems, stated that all three of the Associations strongly supported SB 43 and urged a do pass recommendation. She went on to say that the cost of insurance was driven by the cost of claims.

Jim Lynch, Director, Montana Department of Transportation, stated that they too supported the primary seatbelt law as one of the three main safety bills being heard. He went on to relate a couple of personal accidents which would have been much more serious had he not been wearing a seatbelt. He further explained that people need reminders to remember to use their seatbelts. **Mr. Lynch** concluded by urging the Committee to support the bill.

Roger McGlenn, Executive Director of the Independent Insurance Agents Association of Montana, stated that for all of the reasons they had already heard, they stood in support of the bill.

Jim Campbell representing the Montana Police Chief's Association and the Montana Police Protection Association, asked the Committee for the favorable consideration of SB 43.

Jim Ahrens, Montana Hospital Association, urged passage of SB 43.

Mark Taylor on behalf of the Association of Montana Highway Patrolmen, expressed strong support for SB 43 and urged a do pass recommendation from the Committee. He went on to say that seatbelts did save lives. To emphasis this point he relayed a personal experience to the Committee.

Kris Minard representing herself, stated that she was a strong supporter for SB 43. She went on to say that should the bill pass into law it would not only save Montana money, it would save lives. She continued saying that it was only logical that law enforcement personnel have the means to enforce the laws, especially when they are laws that save lives.

Clint Hays, Director, Truck Load Operations, Watkins Shepard

Trucking, Missoula, testified in strong support of SB 43. **Mr. Hays'** written testimony is attached hereto as Exhibit 12.

EXHIBIT(jus14a12)

{Tape: 3; Side: B; Approx. Time Counter: 0 - 26.2}

Ken Crippen, Chief Executive Officer for the American Trucking and Transportation Insurance Company and personally, spoke in support of SB 43. **Mr. Crippen** provided written testimony which is attached as Exhibit 13.

EXHIBIT(jus14a13)

Bruce Spencer, Attorney, Helena, testifying on his own behalf and for his children whose grandparents do not wear their seatbelts. He went on to say that he was asking the Committee to help remind his parents to wear their seatbelts so that they will be around to watch their grandchildren grow up. He continued saying that there were times when the weight of public safety should outweigh personal rights and he felt that this was one of those times. **Mr. Spencer** concluded requesting that the Committee pass SB 43.

Opponents' Testimony:

Becky Stockton, Helena, on behalf of herself, expressed her opposition for SB 43. **Ms. Stockton** stated that not wearing a seatbelt did not endanger anyone but herself. She went on to say that she would rather have a police officer be available for more serious crimes than to waste their time making sure everyone is wearing a seatbelt. She further indicated that she did not feel that her insurance rates would go down with the passage of the primary seatbelt law. **Ms. Stockton** then discussed the mud flap law and the fact that she did not feel that it had been enforced.

EXHIBIT(jus14a14)

Ms. Stockton provided a copy of the mud flap law to the Committee, which is attached as Exhibit 14. She then stated that she felt there were too many laws on the books already that are not being fully enforced. She went on to say that she felt there should be more training on the importance of seatbelts. She concluded, saying that as a member of society she should be able to make her own decisions on private and personal issues and not be ruled by government. She asked the Committee to oppose SB 43.

Informational Testimony: None.

Questions from Committee Members and Responses:

SEN. CROMLEY asked **SEN. COONEY** if he would have any opposition to amending the bill to become effective upon passage and approval.

SEN. COONEY responded that he would not have a problem with the amendment, however, the reason for the delay was to allow the State to educate the public as to what the new law was.

SEN. SHOCKLEY asked **SEN. COONEY** if it were true that passengers in the back seat were more likely to be injured wearing a seatbelt rather than not. **SEN. COONEY** replied that it was his understanding that a person properly restrained, regardless of whether or not they are in the front seat or back seat, chances of being ejected or sustaining major injuries are greatly reduced.

SEN. MCGEE asked **Colonel Grimstad** to explain to the Committee how they are going to know whether someone does or does not have their seatbelt on. **Colonel Grimstad** stated that in a lot of cases they would not be able to do so, therefore, they would not be pulling anyone over. He went on to say that if his officers were unsure about whether the person had the seat belt on or not, they would be issuing warnings rather than citations.

SEN. MCGEE asked **Colonel Grimstad** if a patrolman was unsure as to whether or not a person were wearing a seatbelt, they would make a stop and issue a warning. **Colonel Grimstad** responded that an officer would only make a stop if it looked to them as if that person was not wearing a seatbelt.

SEN. MCGEE asked **Colonel Grimstad** about the policy the Highway Patrol would adopt as far as guidelines that will be used to initiate a stop and issue a warning. **Colonel Grimstad** responded that if an officer made a stop for a seatbelt violation, or for reasonably believing that someone was exceeding the speed limit, stopped that vehicle, went up to the vehicle and decided that they possibly had been mistaken about the person not wearing a seatbelt, they would then issue a warning rather than a citation for failure to wear a seatbelt.

SEN. MCGEE explained to **Colonel Grimstad** that if the only reason for the stop was for a seatbelt violation, and the Officer was uncertain as to whether or not a person had their seatbelt on, would that be probable cause for the Officer to pull the person over and issue anything. **Colonel Grimstad** responded that if the Officer was not one hundred percent sure on the seatbelt violation, they would not be stopping the vehicle.

SEN. PERRY asked **Captain Dill** how a primary seatbelt law could obtain the objective without a heavy hand of law enforcement enforcing what was wanted as a voluntary compliance. **Captain Dill** explained that the Montana Highway Patrol was always after voluntary compliance of all laws. He went on to say that enforcement was a tool to get people to comply with the law.

SEN. PERRY asked **Captain Dill** how many of the fatalities referenced in his handouts were alcohol related. **Captain Dill** responded that he did not know, he did not have his fact sheet with him. He went to say that he had heard that the number was approximately 40 percent.

SEN. PERRY talked about a person driving with meth in their backseat and then a person driving without a seatbelt and asked **Colonel Grimstad** if they were emphasizing the wrong problem. **Colonel Grimstad** responded that he did agree that meth was a huge problem. He further stated that he did understand about the seatbelt situation. He then said that what he looked at with regard to the seatbelt primary law was the costs incurred with crash victims that law officers were trying to make a difference on. He went on to say that he agreed, there were bad officers, but he felt that seatbelt enforcement would save lives.

CHAIRMAN WHEAT asked **Colonel Grimstad** if he had considered that the first time someone were to get stopped for a seatbelt violation they would get a warning instead of a ticket. **Colonel Grimstad** stated that if they were able to ascertain who had been issued a warning it would work, however, as this would not be a moving violation it will not be put on the driving record.

CHAIRMAN WHEAT asked **Colonel Grimstad** how he felt about not being able to give a citation during the first year that the law were in effect. **Colonel Grimstad** stated that it would be the same system that they have now.

{Tape: 4; Side: A; Approx. Time Counter: 0 - 27.3}

CHAIRMAN WHEAT asked **SEN. COONEY** if there were a cost for an education campaign and, if so, where was it indicated. He further asked about the idea of only issuing warnings for seatbelt violations during the first year. **SEN. COONEY** responded that there were several thousand dollars available through the Department of Transportation and NITSA which were available for education and public service announcements, therefore, he was not sure there was any need to spend additional dollars. He went on to say that he did not have a problem giving the public a year to get used to the idea of not wearing a seatbelt being a primary offense. He went on to say that he was not promoting the bill as

a revenue source for Montana, he was promoting the bill to help save lives and serious injuries.

SEN. MCGEE asked **SEN. COONEY** if there were some way of marking the seatbelts so that it was certain to law enforcement whether or not an individual was wearing the seatbelt or not. **SEN. COONEY** replied that if there were some way of marking the seatbelts, he would not have a problem with it.

Closing by Sponsor:

SEN. COONEY thanked everyone for a good hearing. He went on to respond to **SEN. PERRY'S** question regarding the number of crashes involving alcohol and stated he felt that it was quite high, as the standard crash in Montana was one involving a single car with alcohol involved and the seatbelt not being use. He went on to say that all seatbelts would do is give individuals greater protection when they were involved in automobile crashes. **SEN. COONEY** asked if it was our right as a society not to send an ambulance, a police officer, or pick a body up off of the street. He went on to say that we, as a society, have a responsibility and that is what SB 43 is all about. **SEN. COONEY** stated that if SB 43 was passed it would save lives in Montana. He then indicated that there were a few amendments that he would be providing to the Committee prior to Executive Action.

{Tape: 5; Side: A; Approx. Time Counter: 0 - 8.4}

ADJOURNMENT

Adjournment: 12:20 A.M.

SEN. MIKE WHEAT, Chairman

MARI PREWETT, Secretary

MW/mp

Additional Exhibits:

EXHIBIT ([jus14aad0.PDF](#))